

Submitted But not Entered.



Christopher M. Alston
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

ORDER NOT ENTERED: No proof opposing party has approved the form of order. No prior order was entered so labeling this order as amended is incorrect. Proposed should not be in caption.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE:

SAMIA EL-MOSLIMANY,
Debtor.

Bankruptcy No. 18-14820 CMA

Adv. Pro. No. 19-01034 CMA

HAYAT SINDI,

Plaintiff,

v.

SAMIA EL-MOSLIMANY,

Defendant

AMENDED (for page margin) ORDER
GRANTING IN PART AND DENYING IN
PART PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT
[PROPOSED]

THIS MATTER came before the Court upon Creditor Hayat Sindi's Motion for Summary Judgment against debtor Samia El-Moslimany.

It appearing that the Court has jurisdiction to consider the Motion, and the Court, having considered the Motion, Defendant's Response to Motion for Summary Judgment, Plaintiff's Reply in Support of Motion for Summary Judgment, the Declaration of Anthony Wisen filed in support of the Motion, the Declaration of

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1 Samia El-Moslimany in opposition to the Motion, and the other pleadings of record,
2 and having heard oral argument on July 23, 2020 at which the Court made findings
3 of fact and conclusions of law. Now, therefore:

4
5 THIS COURT FINDS:

6 1. The Defendant caused injury to the Plaintiff by publishing one or more
7 defamatory statements about the Plaintiff, and Defendant is indebted to Plaintiff in
8 the principal amount of \$400,000 for this injury.

9 2. The Defendant caused injury to the Plaintiff by intentionally interfering
10 with Plaintiff's contractual relations, and Defendant is indebted to Plaintiff in the
11 principal amount of \$576,000 for this injury.

12 3. The Defendant caused injury to the Plaintiff by intentionally inflicting
13 emotional distress upon Plaintiff, and Defendant is indebted to Plaintiff in the
14 principal amount of \$100,000 for this injury.

15 4. That making all reasonable inferences in favor of the Defendant, there is
16 a disputed question of fact as to whether Defendant's actions were "willful" within
17 the meaning of 11 U.S.C. §523(a)(6).

18 5. That making all reasonable inferences in favor of the Defendant, there is
19 a disputed question of material fact as to whether Defendant's actions were
20 "malicious" within the meaning of 11 U.S.C. § 523(a)(6).

21 THEREFORE, IT IS HEREBY ORDERED:

22 1. Plaintiff's Motion for Summary Judgment is DENIED with respect to the
23 willful and malicious prongs of 11 U.S.C. § 523(a)(6).

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1 2. Plaintiff's Motion for Summary Judgment is GRANTED with respect to
2 whether Defendant injured Plaintiff for purposes of 11 U.S.C. § 523(a)(6). There being
3 no disputed issues of material fact on these issues, Defendant is barred by principles
4 of collateral estoppel from re-litigating or defending herself at trial from the claims
5 of Defamation, Intentional Interference with Contractual Relationship, and
6 Intentional Infliction of Emotional Distress, or the amount of damages she is indebted
7 to Plaintiff by virtue of those torts.

9 3. The Court's oral ruling was delivered in open court on July 23, 2020,
10 which is hereby incorporated into this Order by reference.

11 4. This matter will proceed to trial on the only remaining issues of whether
12 the injuries sustained by Plaintiff were willful and malicious under 11 U.S.C. §
13 523(a)(6).

15 ///END OF ORDER///

17 Presented by:

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